

REMARKS

Claims 1-3, 5, 7-12, 14-15, and 22-31 are pending. Claim 9 is currently amended. Reconsideration of the application is requested.

Claim Objections

Claim 9 was objected to for containing a typographical error. Particularly, Examiner pointed out that the word "note" was likely supposed to be "not." Examiner is correct, and this correction has been made.

§ 103 Rejections

Claims 1, 2, 5, 9, 10, 12, 14, 15, 22, 24, and 28-31 stand rejected under 35 USC § 103(a) as being unpatentable over Ho et al (US Pat. No. 6,934,028) in view of Simonetti (US. Pub. No. 2002/0176617).

Applicant again asserts that the plain language of Applicant's claims are not being given due weight, and that Ho, as a primary reference, falls well short of what it is relied upon to sustain a § 103 rejection. Embodiments of Applicant's invention concern a first web handling operation that inspects, then, later, a second web handling operation that marks based on the information from the first operation. Upon careful reading the claim language clearly bears this out, and this is not what Ho teaches, as will be further explained.

First, to be clear, it seems that both Applicant and Examiner agree that Ho teaches re-inspection. (In the Remarks section of the last Office Action, Examiner says that Ho does a re-inspection). The question then, seems to be whether Applicant's claims would distinguish over a re-inspection. Applicant believes, clearly, the claims distinguish. Applicant's claim 1 is as follows:

1. A method of analyzing a web of material containing at least two anomalies, comprising:
 - imaging at least a portion of the web as part of a first web operation, to provide digital information;
 - processing the digital information with an initial algorithm to identify regions on the web containing the at least two anomalies;

placing fiducial marks on the web, wherein the fiducial marks uniquely identify a position on the web;
winding the web onto a roll;
recording positional information localizing the identified regions relative to the fiducial marks; and
subsequent to the winding step, as part of a second web operation that is temporally distinguished from the first web operation by at least the winding step, unwinding the web and applying locating marks to the web identifying the position of at least one of the identified regions, using the positional information and the fiducial marks as a guide.

The “identified regions” of the 2nd underlined portion of the claim are identified using information from the first web handling operation (see first underlined portion of claim). Then it is marked in a second web handling operation, the two web handling operations separated by “at least the winding step.”

Ho’s re-inspection simply doesn’t provide this, because the marking in Ho has already been completed. Ho provides: “Upon re-inspection, these marks 86 can again be detected, as a means of recalibration of the location of the defects or flaws.” (Ho col. 13 at line 18). One must ask: what marks can again be detected? Answer: marks that already exist. So then if you look at the preceding paragraph, you find that the marks “may be introduced during manufacture or during the original inspection.” The re-inspection, then, just confirms the marks. Even if the re-inspection marked some newly found defects (note that Ho does not provide this teaching – the re-inspection is for “calibration” and it is not immediately clear to Applicant what this calibration effects), applicant’s claims would still distinguish because Ho is still, fundamentally, inspecting and marking in the same web handling operation. Applicant’s claims clearly distinguish over this.

Applicant submits that a careful reading of Applicant’s claims will show that they do clearly distinguish over a re-inspection of the type Ho teaches. If Examiner disputes this point, Applicant respectfully requests an interview so as to further discuss this point and try to avoid, for both sides, time and energy spent in the appellate process.

Still No Reference That Teaches Unique Fiducial Marks

There still exists no reference of record that teaches "placing fiducial marks on the web, wherein the fiducial marks uniquely identify a position on the web" as is required by Applicant's claim 1, for example. Applicant explains such fiducial marks in on page of the specification, with reference to FIG. 2:

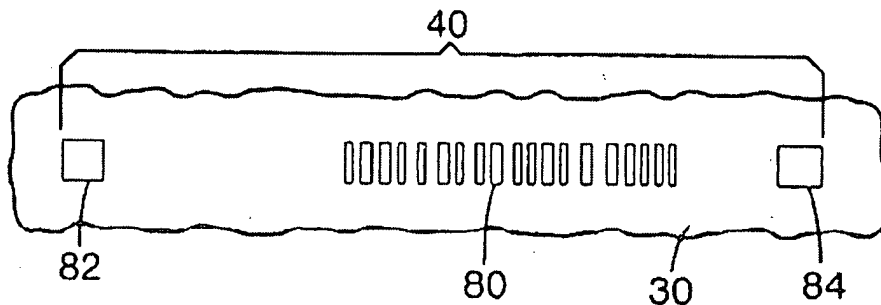


Fig. 2

Referring now to FIG. 2, a convenient form for a fiducial mark 40 used in connection with the present invention is illustrated. These marks are placed at regular intervals throughout the length of the web. The complete fiducial mark 40 includes one or more fiducial locating marks 82,84 which exactly locate a particular position within the web and a barcode 80 which conveniently encodes a unique identifier for each fiducial locating mark 82,84. Thus, the fiducial marks 82,84 accurately locate a position and the barcode uniquely identifies that position so that the electronic map can be re-synchronized to the physical web during the marking operation.

Examiner asserts that Simonetti teaches this on p. 5, paragraphs 45-48. This is not correct. The relevant portion of this citation (paragraph 45) talks merely about the fact of marking defects with ink or dye, which clearly does not fall within Applicant's claim language concerning unique fiducial marks.

Remaining claim rejections similarly rely on Ho and Simonetti, and thus are distinguished for the same reasons. Since not all features of applicant's claims have been shown to be in the references of record, a prima facie case of obviousness has not been made, and the instant rejections should be withdrawn.

For at least either of these reasons, all of applicant's claims are distinguished over the references of record. Applicant respectfully solicits reconsideration and allowance.

Respectfully submitted.

APR 24 2009
Date: April 24, 2009

By: *Steven A. Bern*
Steven A. Bern, Reg. No.: 57,095
Telephone No.: 651-733-2255

Office of Intellectual Property Counsel
3M Innovative Properties Company
Facsimile No.: 651-736-3833